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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

DIANE BOWARE,

Plaintiff,

vs.

LEVI STRAUSS DISTRIBUTION CENTER;
LADONA ORCUTT; ELOISA CORSAME;
and WILSHAYNE UMIPIG,

Defendants.

Case No.: 2:23-cv-00579-GMN-VCF

**DEFENDANT LEVI STRAUSS & CO.'S
REQUEST FOR EXEMPTION OF
INSURANCE CARRIER'S ATTENDANCE
AT EARLY NEUTRAL EVALUATION
CONFERENCE**

Defendant Levi Strauss & Co.¹, by and through undersigned counsel, hereby submits this request that Defendant's insurance carrier representative be exempted from attending the Early Neutral Evaluation Session ("ENE") in this matter.

Pursuant to the Court's Order Scheduling ENE (ECF No. 7), this case has been referred to the Honorable Daniel J. Albregts to conduct the ENE in Las Vegas, Nevada on July 10, 2023 at 10:00 a.m. Also, pursuant to the ENE Order, where a party is subject to coverage by an insurance carrier, a representative of the insurance carrier with authority to settle the matter up to the full amount of the claim must also be present for the duration of the ENE. (*Id.*)

Defendant is subject to coverage by an insurance carrier. However, David Cardiff, Defendant's Associate General Counsel, will be present in person at the July 10, 2023 ENE on behalf of Defendant.

¹ Erroneously named as "Levi Strauss Distribution Center".

In-person attendance by the insurance carrier is not necessary, as not having the claim representative present will not inhibit or limit the parties' ability to negotiate or reach a potential settlement because the retention threshold on the relevant insurance policy, which is seven figures, far exceeds the amount of Plaintiff's claims. Based upon the allegations contained in Plaintiff's Complaint, the economic damages in this case are far less than the seven-figure retention threshold. Accordingly, although it is unclear what exactly constitutes the "full amount of the claim" at this time, it does not appear that the full amount of the claim will come remotely close to the retention amount. Because the full amount of this claim will not reach the insurance retention threshold, to the extent a settlement is reached, the insurance carrier would not be responsible or obligated to contribute to any such settlement. Accordingly, in-person attendance by an insurance representative is not necessary in this case.

Mr. Cardiff, having settlement authority on behalf of Defendant will be at the ENE and have binding authority to settle the matter on behalf of Defendant. Accordingly, and for the reasons stated herein, Defendant believes that it would be unnecessary to have an insurance representative required to attend in-person and respectfully requests that the Court's in-person attendance requirement by an insurance representative be waived.²

DATED this 22nd day of June, 2023.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

/s/ Dana B. Salmonson

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IT IS SO ORDERED.

DATED: 6/26/2023


DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

² To the extent requested and/or required by this Court, Defendant can make arrangements for the insurance representative to be available via telephone or other virtual means throughout the ENE proceedings.

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that service of **DEFENDANT LEVI STRAUSS & CO.'S REQUEST FOR EXEMPTION OF INSURANCE CARRIER'S ATTENDANCE AT EARLY NEUTRAL EVALUATION CONFERENCE** was made by depositing a true and correct copy of same for mailing, first class mail, postage prepaid thereon, at Las Vegas, Nevada, to the following:

Diane Boware
12215 Gilespie Street, #6201
Henderson, NV 89044
Plaintiff in pro per

DATED this 22nd day of June, 2023.

/s/ Carol Rojas

An Employee of OGLETREE, DEAKINS,
NASH, SMOAK & STEWART, P.C.